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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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08/913,056 10/22/97 YAMAMOTO

N KP-8240

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HM12/1108

EXAMINER

WERNAN, E

ART UNIT

PAPER NUMBER

1617

DATE MAILED:

11/08/99

Please find below and/or attached an Office communication concerning this application or proceeding.

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UNITED STATES DEPARTMENT OF COMMERCE
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Washington, D.C. 20231

**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 08/913056
Filing Date: 10/22/97
Appellant(s): N. Yamamoto et al.

Paper No. 17
Date mailed
11/8/99

A.J. Patch
For Appellant

EXAMINER'S ANSWER

This is in response to appellant's brief on appeal filed 8/10/99.

(1) *Real Party in Interest*

A statement identifying the real party in interest is contained in the brief.

(2) *Related Appeals and Interferences*

A statement identifying the related appeals and interferences which will directly affect or be directly affected by or have a bearing on the decision in the pending appeal is contained in the brief.

(3) *Status of Claims*

The statement of the status of the claims contained in the brief is correct.

(4) *Status of Amendments After Final*

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) *Summary of Invention*

The summary of invention contained in the brief is correct.

(6) *Issues*

The appellant's statement of the issues in the brief is correct.

(7) *Grouping of Claims*

Applicants state that the claims are not grouped for appeal.

(8) *Claims Appealed*

The copy of the appealed claims contained in the Appendix to the brief is correct.

(9) *Prior Art of Record*

X 3,645,854	MASIZ	7-1997
X 5,750,141		
X 4,557,934	ROBERTS	5-1998
X 3,149,537	AZRIA	9-1992
X Pharmaceutical Research	KISSEL	1992
X 3-5427	JAPAN	1-1991
X 215697	EPA	3-1987
X 4,557,934	COOPER	12-1285

(10) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claims 1-27 rejected under 35 U.S.C. 103(A). This rejection is set forth in prior Office action, Paper No. 10.

(11) Response to Argument


Applicants continue to maintain that MASIZ teaches only transdermal delivery. Applicants now argue that transdermal delivery is through nasal or rectal mucosal tissue, however, they do not claim such a limitation of loci. Even if applicants did so limit the claims, MASIZ also teaches mucoid secretions (column 5 line 25).

Applicants assert that the examiner has introduced the word "ambient" in the advisory action, a word not found in the reference. However, the Examiner is merely responding to Applicants' use of the term in the first paragraph on page 4 in the "remarks" section of the amendment after final, paper #13, filed 5/11/99.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

Webman/Fisher
November 3, 1999



EDWARD J. WEBMAN
PRIMARY EXAMINER
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